

-Remarks-

Claims 58 and 61 are pending and were rejected in the Office Action under 35 USC § 112 first paragraph. The specification was amended to particularly point out that parent application 09/874,007 has now issued as US Patent No. 6,753,322 ('322). Claim 58 was amended to place the preamble into better form and to limit R⁵ to hydroxymethyl or monosubstituted aminocarbonyl from the originally claimed disubstituted amine. This amendment is unrelated to any Office Action rejection in the present case and is made merely to bring R⁵ into conformity with the scope of the genus claimed in the '322 patent. New claim 78 specifies a species of the genus in claim 58.

With entry of these amendments, claim 61 is canceled, claims 58 and 78 remain pending. Entry of the above amendments and reconsideration and withdrawal of the present rejection under 35 USC § 112, first paragraph, is respectfully requested.

I. Claim Rejections

A. § 112, First Paragraph.

Claims 58 and 61 were rejected under 35 USC § 112, first paragraph, as allegedly not enabled.

Applicants respectfully traverse.

Applicants do not believe Examiner intended the present rejection to apply to claim 58. Claim 61 has been canceled. Claim 58 is directed to treatment of inflammatory disease while claim 61 is directed to treatment of septic shock, male erectile dysfunction, and male factor infertility, among others. Examiner's rejection, covering pages 2-9 of the Office Action, objects only to this latter claim. For example, Examiner states that:

The specification, while being enabling for a method of treating an inflammatory disease, . . . does not reasonably provide enablement for septic shock, male erectile dysfunction, male factor infertility, . . . and other diseases listed in claim 61 in a mammal. (Office Action, page 9)(emphasis added).

Accordingly, Applicants respectfully request that Examiner reconsider and withdraw the rejection of claims 58 and 61 under 35 USC § 112, first paragraph.

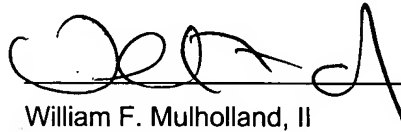
-Conclusion-

Applicants, having responded to all points and concerns raised by Examiner, believe this application to be in condition for allowance. An early and favorable action is respectfully requested.

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Respectfully submitted,

A handwritten signature in black ink, appearing to read 'William F. Mulholland, II', written over a horizontal line.

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